

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WP 10308	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/005155	International filing date (day/month/year) 13.05.2004	Priority date (day/month/year) 22.05.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant WACKER POLYMER SYSTEMS GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005155

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

☐ the international application as originally filed/furnished

☒ the description:

pages 1-13 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 received by this Authority on 22.03.2005 with letter of 22.03.2005

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: EP-0-399 079 (cited in the description of the present application)

D2: DE-A-31 19 449

D3: GB-A-908 988

D4: EP-A-0 767 193

D5: US-A-4 617 239

D6: JP-A-58 214 596 (as WPI abstract; cited in the application)

D7: EP-A-1 174 447

D8: DE-A-36 22 820

D9: EP-0-0 799 711

2. Document D1 is considered the prior art closest to the subject matter of claims 1 and 10 and discloses a composition that contains a polyvinyl alcohol based on a saponified polyvinyl ester together with a reactive silicon (H-siloxane).

The subject matter of claim 1 differs from the known composition in that 1-alkylvinyl ester and silane-containing monomers are used in the

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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production of the vinyl ester.

This also concerns documents D2, D3 and D4, which do not, however, describe the subject matter of claim 10.

The subject matter of independent claims 1 and 10 and of dependent claims 2-9 is thus novel (PCT Article 33(2)).

3. The problem to be solved by the current invention, that is the composition as per claim 1 in view of the use described in claim 10, can therefore be considered that of overcoming the advantages of an unsatisfactory bonding to an adhesive (overlying) silicon layer (see the paragraph bridging pages 1 and 2 of the description).

The solution to this problem as proposed in claims 1 and 10 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

Although the above-described distinguishing feature of "silane-containing, ethylenically unsaturated monomers" (part b of claim 1) has been used for the same purpose in a similar composition and application (see document D5 (and D6), in particular column 10, lines 36 to 65 of D5), the combination of features I a) and b, together with II of claim 1 is not suggested by the prior art (documents D1 to D9).

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

In view of the fact that the examples of the present application are implemented as per the amended claim 1, the solution to this problem as proposed in claims 1 and 10 of the present application is considered to involve an inventive step (PCT Article 33(3)).

- 3.1 Claims 2 to 9 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

4. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D5 or indicate the relevant prior art disclosed therein.

5. Contrary to PCT Rule 5.1(a)(iii), the description is inconsistent with the amended claims.